IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Chauthi Devi Vs. State & Anr.
S.B. CR. REVISION PETITION NO.645/2006

Against judgment dated 06.06.2006 passed by learned Judicial Magistrate, First Class, Balotra in Criminal Case No.150/2004.

Date of Order :: 27th November, 2006.

PRESENT

HON'BLE MR.JUSTICE SATYA PRAKASH PATHAK

Mr. K.R. Bhati for petitioner.
Mr. V.R. Mehta, Public Prosecutor.
Mr. Gopal Meghwal for non-petitioner No.2.

BY THE COURT:

By the present revision petition challenge has been made to the judgment dated 06.06.2006 passed by learned Judicial Magistrate, First Class, Balotra in Criminal Case No.150/2004, whereby the learned trial court has acquitted the accused respondent of the charge under Sections 323, 341 and 354 IPC.

The contention of learned counsel for the petitioner is that in the instant case on the basis of injury report and the statements recorded in the trial court, it was amply proved that the accused respondent was responsible for committing offences under Sections 323, 341 and 354 IPC. He submits that learned trial court has not properly appreciated the evidence available on record, therefore, the accused petitioner requires to be convicted and sentenced.

On the other hand, learned Public Prosecutor assisted by learned counsel for the non-petitioner No.2 have submitted that the learned trial court has assigned cogent reasons and order of the acquittal is not required to be interfered with when the judgment delivered is a reasoned one.

I have considered the submissions made before me and perused the judgment impugned.

A perusal of the impugned judgment clearly indicates that there is a detail discussion of the evidence. In all prosecution examined eight witnesses and there is variance and material contradiction in the statements of the witnesses. The FIR was lodged after delay and due deliberation. The findings of the court below is that the complainant and the accused party were not in good terms and civil litigation of serious nature is pending between them.

In view of the evidence brought on record the learned trial court found that the evidence was not sufficient to prove the guilt, therefore, the learned trial court has given benefit of doubt to the accused respondent.

I do not find any illegality in the impugned judgment passed by the learned trial court, therefore, in my humble opinion there appears no merit in the revision petition and it is liable to be dismissed.

In the result, the revision petition stands dismissed summarily.

(SATYA PRAKASH PATHAK)J.

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